

Existing law (R.S. 44:1 et seq. relative to public records) provides that any person of the age of majority may inspect, copy or reproduce, or obtain a reproduction of any public record. Provides procedures for request and presentation of the record requested. Provides for enforcement and penalties for violations. Provides exceptions.

New law retains existing law.

New law provides that it is a responsibility and duty of the appointive or elective office of a custodian and his employees to provide access to public records and that the burden of proving that a public record is not subject to inspection, copying, or reproduction rests with the custodian.

New law requires the attorney general to establish a program for educating the general public, public bodies, and custodians regarding the laws relative to public records. Provides that the program may include brochures, pamphlets, videos, seminars, and Internet access to information on the public records law.

Existing law requires a custodian of a public record to provide written notification of the custodian's determination that a requested record may not be a public record. This notification must include the custodian's reasons for the determination.

New law retains existing law and requires the custodian to include in the written notification the legal basis under which the custodian has determined that the record is not a public record.

Existing law allows the court to award attorney fees to the custodian in the event the custodian retains private legal counsel.

New law retains existing law but provides that any award for attorney fees in any public records suit cannot exceed the maximum amount allowed by the attorney general under the fee schedule for the employment of outside counsel.

Effective August 15, 1999.

(Amends R.S. 44:31, 32(D), and 35(E)(2); Adds R.S. 44:31.2 and 35(F))